

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

6 EDGARDO RODRIGUEZ,
7 Petitioner,
8 vs.
9 R.T.C. GROUNDS, Warden,¹
10 Respondent.

Case No: C 11-0935 SBA

ORDER TO SHOW CAUSE

13 Following a jury trial in the Alameda County Superior Court, Petitioner Edgardo
14 Rodriguez was convicted of first degree murder, as well as related offenses, special
15 circumstances, and enhancement allegations. He was sentenced to life without the
16 possibility of parole and currently is incarcerated at the Salinas Valley State Prison.
17 Through counsel, Petitioner has filed a Petition for Writ of Habeas Corpus, pursuant to 28
18 U.S.C. § 2254. He alleges claims for (1) instructional error and (2) erroneous admission of
19 expert testimony by a police officer. It does not appear from the face of the petition that it
20 is without merit. Good cause appearing, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve a copy of this Order and the petition and all
attachments thereto upon Respondent and Respondent's attorney, the Attorney General of
the State of California. The Clerk shall also serve a copy of this Order on Petitioner's
counsel of record: Paul Kleven, Esq., 1604 Solano Ave., Berkeley, CA 94707.

27 ¹ R.T.C. Grounds, the current warden of the prison where Petitioner is incarcerated,
28 has been substituted as Respondent, pursuant to Rule 25(d) of the Federal Rules of Civil
Procedure.

1 2. Respondent shall file with this Court and serve upon Petitioner, within sixty
2 (60) days of the issuance of this Order, an Answer conforming in all respects to Rule 5 of
3 the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus
4 should not be issued. Respondent shall file with the Answer a copy of all portions of the
5 relevant state records that have been transcribed previously and that are relevant to a
6 determination of the issues presented by the petition.

7 3. If Petitioner wishes to respond to the Answer, he shall do so by filing a
8 Traverse with the Court and serving it on Respondent within thirty (30) days of his receipt
9 of the Answer. Should Petitioner fail to do so, the petition will be deemed submitted and
10 ready for decision thirty (30) days after the date Petitioner is served with Respondent's
11 Answer.

12 4. Respondent may file with this Court and serve upon Petitioner, within sixty
13 (60) days of the issuance of this Order, a motion to dismiss on procedural grounds in lieu of
14 an Answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing
15 Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court
16 and serve on Respondent an opposition or statement of non-opposition to the motion within
17 twenty-eight (28) days of receipt of the motion, and Respondent shall file with the Court
18 and serve on Petitioner a reply within fourteen (14) days of receipt of any opposition.

19 5. Petitioner must also serve on Respondent's counsel all communications with
20 the Court by mailing a true copy of the document to Respondent's counsel.

21 6. Extensions of time are not favored, though reasonable extensions will be
22 granted. Any motion for an extension of time must be filed no later than fourteen (14) days
23 prior to the deadline sought to be extended.

24 IT IS SO ORDERED.

25 Dated: April 15, 2014


SAUNDRA BROWN ARMSTRONG
United States District Judge

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